

REMARKS

This amendment is being filed together with a Request for Continued Examination ("RCE").

Claims 1-3, 10-18 and 20 are withdrawn from consideration. Claims 4 and 6-8 have been cancelled. New claim 21 is added in this amendment.

Claim 19 has been amended more clearly define the invention. New claim 21 is supported by specification, for example at pages 16 and 24-31.

No new matter has been added.

Applicants appreciate the Examiner's summary of various matters such as the status the application's priority claim, the declaration, the IDS, the prior claim objections and the drawings.

Applicants appreciate that Examiner's withdrawal of the rejections under 35 U.S.C. §102(a) and §102(a).

Applicants appreciate the Examiner's helpful comments in the advisory action.

Rejections Under 35 U.S.C. §112, first paragraph (enablement)

The Examiner rejected claims 4 and 6-8 as not enabled. These claims have been canceled, rendering this rejection moot.

Rejections Under 35 U.S.C. §112, second paragraph

The Examiner rejected claims 4 and 6-8 under 35 U.S.C. §112, second paragraph as indefinite. These claims have been canceled, rendering this rejection moot.

Rejections Under 35 U.S.C. §112, first paragraph (new matter)

The Examiner stated that claims 4 and 19 include new matter because the specification does not provide literal support for the phrase "in an expressible manner". The Examiner also argues that the claims are not enabled because "the claims only disclose 'a gene encoding' a particular polypeptide" in an expressible manner". Claim 4 has been canceled. Claim 19 has been amended.

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First, it is not necessary for the specification to provide *ipsis verbis* support for limitations of the claims. *Fujikawa v. Wattanasin* 93 F.3d 1559 (Fed. Cir. 1996). Thus, it is improper for the Examiner to reject the claims simply because the specification lacks literal support for the phrase "in an expressible manner." However, to further prosecution, Applicants have amended the claim 19 to delete the phrase "in an expressible manner." Instead, claim 19 now specifies that "the baculovirus comprises DNA which encodes PepT1 or a fragment thereof and expresses PepT1 or a fragment thereof." In addition, claim 19 now specifies "producing a transgenic mouse that comprises in its genome a gene encoding a baculovirus membrane protein gp64 wherein the mouse expresses the baculovirus membrane protein gp64 and has immunotolerance to gp64".

Second, it is not necessary for the claims to actually recite the presence of expression control elements such as a promoter. Claim 19 specifies that "the mouse expresses the baculovirus membrane protein gp64" (claim 19). Those skilled in the art know how to make such mice and that certain elements for driving expression must be present. These details need not be recited in the claims.

Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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